MONTANA LEGISLATIVE HISTORY

Chapter 36 1975

Bill H 253 S _____ Original bill & history ✓ C

H. Committee on Labor & Emp. Rel.		S. Committee on Labor & Emp Rel.	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
_____	___C	_____	___C
1/31	✓C	2/14	✓C
_____	___C	_____	___C
Date Out 1/31	✓C	Out 2/14	✓

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

House BILL NO. 253

INTRODUCED BY Johnson

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 59-1605, R.C.M. 1947, BY CHANGING AN INACCURATE SECTION REFERENCE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 59-1605, R.C.M. 1947, is amended to read as follows:

"59-1605. Unfair labor practices of employer or labor organization. (1) It is an unfair labor practice for a public employer to:

(a) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section ~~3~~ ~~{59-1603}~~ of this act;

(b) dominate, interfere, or assist in the formation or administration of any labor organization; however, subject to rules adopted by the board under section ~~12~~ ~~(3)~~ 13(4), an employer is not prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(c) discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization; however, nothing in this act or in any other statute of this state precludes a public employer from making an agreement with an exclusive representative to require that an employee who is not or does not become a union member shall be required as a condition of employment to have an amount equal to the union initiation fee and monthly dues deducted from his wages in the same manner as checkoff of union dues;

(d) discharge or otherwise discriminate against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this act;

(e) refuse to bargain collectively in good faith with an exclusive representative.

(2) It is an unfair labor practice for a labor organization or its agents to:

(a) restrain or coerce employees in the exercise of the right guaranteed in subsection (1) of section ~~3~~ ~~{59-1603}~~ of this act, or a public employer in the selection of his representative for the purpose of collective bargaining or the adjustment of grievances;

(b) refuse to bargain collectively in good faith with a public employer, if it has been designated as the exclusive representative of employees;

(c) use agency shop fees for contributions to

political candidates or parties at state or local levels.

(3) For the purpose of this act, to bargain collectively is the performance of the mutual obligation of the public employer, or his designated representatives, and the representatives of the exclusive representative to meet at reasonable times and negotiate in good faith with respect to wages, hours, fringe benefits, and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached. Such obligation does not compel either party to agree to a proposal or require the making of a concession.

(4) This act does not limit the authority of the legislature, any political subdivision or the governing body, relative to appropriations for salary and wages, hours, fringe benefits, and other conditions of employment."

Section 2. This act is effective on passage and approval.

-End-

A meeting of the Labor & Employment Relations Committee was held Friday, January 31, 1975 at 10:30 a.m. in Room 428A with Chairman Kimble presiding. All members were present.

The following bills were heard in this order: SB 59
HB 172
HB 163
HB 232
HB 253

SB 59--SPONSOR: Matt Himsel, district 59, explained that the added material on page is the core of the bill. Norm Grosfield, acting administrator, WCD, said that although they follow this procedure they support the bill. Mr. Jim Murry, AFL-CIO, supported the concept of informing the claimant if their claim has been denied or not.

HB 172--SPONSOR: Rob Federico, district 61, said this bill would grant leave to employees for cultural, religious or ceremonial reasons and makes provisions for: the amount of time allowed; provides a reasonable notice period, sets a penalty clause for abuse of leave. Federico said that he did not go to unions because of a lack of response. Mr. Michelle Pichette, MT Democratic Party, supported the bill saying that different cultures should not have to conform with the holidays of the gneral public. There was no opposition.

HB 163--SPONSOR: Wm. Menahan, district 90, introduced Tony Softich, Labor Standards Division, who requested the bill. He said this act is addressed to the payment of wages and the protection of discharged employees. There only recourse now is legal counsel and civil action. He submitted WS I. Chad Smith, Labor & Industry, and Jim Murry, AFL-CIO, both supported the bill. George Hammond, AFL-CIO, submitted WS II in support of the bill.

Opponent Dean Zinnecker, MT Assn. of Counties, said that this is an era for local gov't, and by doing this, they would be removing local rulings, and would also double the workload for counties because of the extra work in payroll. Dan Mizner, MT League of Cities, said that many cities do not have computers to put out the payroll, and thought that the decision to make payments bi-weekly or monthly should be left to local authorities. John Bel MT Clerks & Recorders Assn., siad this would double the work, ye the employees would receive no additional money. Vic Kosty, Ass of Counties, said that they have 12,000 people on their payroll and that this would problems. Lorris Forsell, State Auditor, said that this would a mechanical problem, as they would not be to meet the 5-day limit. Kathy Behm, who heads the payroll, sai that 63% of all state employees are outside of Helena, which mak it difficult to meet this deadline. Helen Kovich, Clerk & Recor agreed.

Mr. Softich explained that they are only concerned with the la

so much with the length of the pay period. He agreed t
the 5-day limit to 10 days.

HB 232--SPONSOR: Duane Johnson, district 97, said that this was a
keeping bill for HB 466, introduced last year on collective
gaining. This just reduces the number people on the fact-fi
list from 7 to 5. Bob Jensen, Board of Personal Appeals said,
times they reach an impasse in contracts with negotiations, at
which time fact-finders are requested. He said it was fdifficu
to five seven realiable people who would be available.

HB 253--SPONSOR: Duane Johnson, district 97, said that this bill would
only correct an error on page 1, line 19 changing "13(4)" to
"59-1613(4)". He said that these numbers do not correspond wit
the codes.

There being no further testimony, the committee went into executive discussion.

SB 59--BAETH MOVED THAT SB 59 BE CONCURRED IN, SECONDED BY FEDERICO. MOTION CARRIED UNANIMOUSLY.

HB 253--FEDERICO MOVED TO AMEND PAGE 1, LINE 19, BY STRIKING "13(4)" AN
INSERTING "59-1613(4)", SECONDED BY MAGONE. MOTION CARRIED UNA

FEDERICO MOVED HB 253 AS AMENDED DO PASS, SECONDED BY MAGONE. MOTION CARRIED UNANIMOUSLY.

HB 232--FEDERICO MOVED HB 232 DO PASS, SECONDED BY KELLY. MOTION CARRI
UNANIMOUSLY.

HB 163--FEDERICO MOVED TO AMEND THE 5-DAY LIMIT TO 10 DAYS, SECONDED BY
MACFADDEN. ELLERD MOVED A SUBSTITUTE MOTION TODDEFER ACTION TO
THE NEXT MEETING. SECONDED BY BADCOCK. MOTION CARRIED UNANIMOUS

HB 172--Federico submitted amendments for his bill as per attached stat
Sivertson questioned line 19, the use of the word "recognized".
Kelly thought that an employer might need more notice of the
leave, and recommended that it be amended to two weeks. BAETH
TO ACCEPT THE AMENDMENTS SUGGESTED BY FEDERICO, WITH A CORRECTI
ON AMENDMENT 3, TO INCREASE NOTICE TO TWO WEEKS, SECONDED BY
JOHNSON, MOTION CARRIED UNANIMOUSLY.

ELLERD MOVED TO AMEND THE AMENDMENT NUMBER 1, FOLLOWING "TEN (1
DAYS" BY INSERTING "WITHOUT PAY OR THIS LEAVE SHALL BE CONSIDE
PAID VACATION TIME", SECONDED BY DASSINGER. Federico said he d
not suggest this because for many firms, employees are request
to take their vacation leave in one lump. Johnson said that he
objected to "OR THIS LEAVE SHALL BE CONSIDERED PAID VACATION
TIME". He felt that persons should not be penalized by having
to take their vacation leave.

ELLERD MOVED A SUBSTITUTE MOTION TO AMEND LINE 18, FOLLOWING
"ABSENCE" BY INSERTING "WITHOUT PAY", SECONDED BY JOHNSON. MOTI
CARRIED UNANIMOUSLY.

NAME G. L. Hammond Bill No. HB 253

ADDRESS 600 Cooke St, Helena, MT 59601 Date 1/31/75

WHOM DO YOU REPRESENT? AFSCME AFL-CIO

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

AFSCME & Mont AFL-CIO
Support HB 253.

ge figure of one half million for each fiscal year 1976 and 1977.

Ernie Post, of the AFL-CIO, appeared in support of this bill. r. Post stated that Jim Murry of the AFL-CIO, served on the Advisory ouncil. A worker should not have to look to his employer for medical enefits. As it is now, if an employee could not get benefits from is employer, he would have to go to court and sue. This fund is very ch needed in Montana.

Discussion was then held by the committee. Chairman Lee questioned orman Grossfield as to whether the million dollar appropriation will e paid through the general fund. Mr. Grosfield stated that page 0, section 4, line 10 states this. This will enable the division to be- me self supporting. Once the fund in properly funded, the legislature ill be reimbursed by the division. Chairman Lee then asked Representative Kimble if this bill went before the Appropriations Committee? epresentative Kimble stated that he asked for a fiscal note. Representative Bardanouve is aware of this bill and if it passes, there ill be that amount of money in the appropriations fund. Norman rosfield stated that the fiscal note would be for one million dollars. his figure was arrived at by the budget director.

CONSIDERATION OF HOUSE BILL 253: An act to amend section 59-1605, y changing and inaccurate section reference; and providing an immediate ffective date.

Representative Johnson appeared before the committee to introduce his bill. This bill merely changes an inaccurate section. Page 1, ction 1, line 19, contains an inaccurate reference. So this bill st puts in the correct code reference.

Discussion was then held by the committee.

DISPOSTION OF HOUSE BILL 253: Senator Etchart moved that House ill 253 BE CONCURRED IN. Motion carried unanimously.

DISPOSTION OF SENATE BILL 392: Senator Olson moved that the Title, ge 1, line 5, be amended by striking the word "WIDOW'S". Motion rried unanimously. Senator Blaylock moved that Senate Bill 392 D AS SO AMENDED, DO PASS. Motion carried unanimously.

FURTHER CONSIDERATION OF HOUSE BILL 75: Chairman Lee suggested at a subcommittee should be set up to further study this bill. This esn't have to be sent to Finance and Claims, but they should be aware it. Senator Hazelbaker then suggested that an amendment should drafted to the bill so that when the division becomes self-supporting, ey will repay the general fund. Senator Norman suggested a memo be nt to Senator Thiessen, chairman of Finance and Claims. Chairman e appointed Senator Mohrens, Senator Hazelbaker, and Tom Keegan, gislative Council, as a subcommittee to review this bill.

DISPOSITION OF HOUSE BILL 78: Senator Norman moved to amend page section 1, lines 21 and 22 by deleting subsection (c) in its entirety.

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 2-14-75 HOUSE Bill No. 253 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: SENATOR Etchart MOVED that HOUSE Bill 253 BE CONCURRED IN MOTION CARRIED UNANIMOUSLY.

(include enough information on motion--put with yellow copy of committee report.)

HOUSE BILL NO. 253

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(b) dominate, interfere, or assist in the formation or administration of any labor organization; however, subject to rules adopted by the board under section ~~12--(3)~~ ~~13(4)~~ 59-1613(4), an employer is not prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(c) discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization; however, nothing in this act or in any other statute of this state precludes a public employer from making an agreement with an exclusive representative to require that an employee who is not or does not become a union member shall be required as a condition of employment to have an amount equal to the union initiation fee and monthly dues deducted from his wages in the same manner as checkoff of union dues;

(d) discharge or otherwise discriminate against an employee because he has signed or filed an affidavit, petition, or complaint or given any information or testimony under this act;

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REFERENCE BILL

political candidates or parties at state or local levels.

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